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U.S.D.C. Rome

FEB 17 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

LUTHER O. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

IN RE: TRI-STATE :  
CREMATORY LITIGATION : MDL DOCKET NO. 1467  
This relates to all actions :  
:

**WANN FUNERAL HOME, INC.'S OFFER OF JUDGMENT TO: ROBERT  
H. SMALLEY, III, ESQUIRE, MCKAMEY, PHILLIPS, TUGGLE AND  
FORDHAM, LLP P.O. BOX 1105, DALTON, GEORGIA 30720**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant Wann Funeral Home, Inc. hereby offers to allow judgment to be taken against it in this action collectively by all class members who are the appropriate representatives of the decedents whose bodies were sent to Tri-State Crematory by this defendant for cremation between July 14, 1988, and February 15, 2002, and any other individuals that claim a right of action in this matter, in the total amount of \$402,000.00 to be distributed among the class members and the claimants as follows:

\$10,000.00 per each body which has been identified at Tri-State Crematory by the Georgia State Medical Examiner's Office or the Georgia Bureau of Investigation;

\$5,000.00 per each body which was sent to Tri-State Crematory after January 1, 1997, but has not been identified by the Georgia State Medical Examiner's Office or the Georgia Bureau of Investigation; and

\$1,000.00 per each body which was sent to Tri-State Crematory before January 1, 1997, but has not been identified by the Georgia State Medical Examiner's Office or the Georgia Bureau of Investigation.

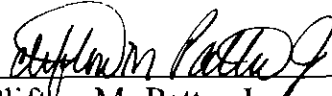
This total offer of \$402,000.00 includes attorney's fees together with cost accrued to date and represents a global resolution of all claims which have been or may be brought against this defendant as a result of the operation of Tri-State Crematory between January 1, 1988, and February 15, 2002, and judgment shall so provide.

This offer of judgment is made for the purposes specified in Rule 68 and is not to be construed either as an admission that this defendant is liable in this action nor that the plaintiffs have suffered any damages.

[signatures on next page]

This 9 day of February, 2004

Respectfully Submitted,



Clifton M. Patty, Jr.

Attorney for Wann Funeral Home, Inc.




Douglas M. Campbell

Attorney for Wann Funeral Home, Inc.

**CERTIFICATE OF FONT AND POINT SIZE**

The font and point size used in this Wann Funeral Home, Inc.'s Offer of Judgment is Times New Roman 14 point.

So certified this 9 day of February, 2004

  
\_\_\_\_\_  
Clifton M. Patty, Jr.  
Attorney for Wann Funeral Home, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel for all parties with a copy of the within and foregoing W.L. Wilson & Sons Funeral Home's Motion for Summary Judgment by causing a copy of same to be placed in first class U.S. mail with adequate postage affixed thereto and addressed as follows:

Robert H. Smalley, III, Esquire  
McCAMY, PHILLIPS, TUGGLE & FORDHAM, LLP  
Post Office Box 1105  
Dalton, GA 30720-1105  
Liaison for Plaintiffs

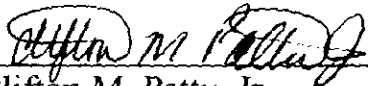
David Randolph Smith, Esquire  
J. Allen Murphy, Esquire  
Hillsboro Village  
1910 Acklen Avenue  
Nashville, Tennessee 37212  
Counsel for Plaintiffs

McCracken Poston, Jr., Esquire  
OFFICE McCRACKEN POSTON  
Post Office Box 1130  
Ringgold, GA 30736

Frank E. Jenkins, III, Esquire  
JENKINS & OLSON  
15 Public Square, South  
Cartersville, GA 30120-3350

Liaison/Lead Counsel for Tri-State Crematory, Inc. and the Marsh Family

This 9 day of February, 2004.

  
\_\_\_\_\_  
Clifton M. Patty, Jr.  
Georgia Bar No. 567350